

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CARLOS MARIN, KENNY LEBRON and
MARTINA HANISCH, on behalf of themselves and
all others similarly situated,

Plaintiffs,

-against-

APPLE METRO, INC., et al.,

Defendants.

Case No. 12 Civ. 5274 (ENV)(CLP)

**DECLARATION OF CRAIG R.
BENSON IN OPPOSITION TO
PLAINTIFFS' MOTION FOR
CONDITIONAL CERTIFICATION
PURSUANT TO THE FAIR LABOR
STANDARDS ACT**

Oral Argument Requested at a date and
time to be determined by the Court.

CRAIG R. BENSON, an attorney admitted to practice before this Court, hereby declares
as follows under penalties of perjury:

1. I am a shareholder with the firm Littler Mendelson, P.C., attorneys for Defendants
Apple-Metro, Inc., AM NYCF, LLC, 42nd Apple, LLC, 117th Apple, LLC, Airmont Apple,
LLC, Astoria Apple, LLC, AT Apple, LLC, Bay Plaza Apple, LLC, Bay Terrace Apple, LLC,
Bed-Stuy Apple, LLC, Broadway Apple, LLC, BTM Apple, LLC, Cortlandt Apple, LLC, Cross
County Apple, LLC, Crossroads Apple, LLC, EB Apple, LLC, Expressway Apple, LLC,
Flatbush Apple, LLC, Fordham Apple, LLC, Fresh Meadows Apple, LLC, Harlem Apple, LLC,
Hawthorne Apple, LLC, Jamaica Apple, LLC, Kisco Apple, LLC, Apple Foods of Mamaroneck
Apple, LLC, New Dorp Apple, L.L.C., New Rochelle Apple, LLC, Outerbridge Apple, LLC,
Port Chester Apple, LLC, Queens Center Apple, LLC, Rego Park Apple, LLC, Riverdale Apple,
LLC, S.I. Mall Apple, L.L.C., Sheepshead Apple, LLC, SVC Apple, LLC, Triangle Apple, LLC,
White Plains Apple, LLC, Zane Tankel, Roy Raeburn, Aubery Daley, Roland Raymond, Derek
Palmer, Susy Quintero, and Christopher Antoine.

2. I submit this Declaration to place before the Court certain facts and documents in support of Defendants' Opposition to Plaintiffs' Motion for Conditional Certification Pursuant to the Fair Labor Standards Act.

3. Attached hereto as **Exhibit 1** is a true and correct copy of the Declaration of Tim Eames.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the Declaration of Erika Acosta.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the Declaration of O'Neil Bembridge.

6. Attached hereto as **Exhibit 4** is a true and correct copy of the Declaration of Adriana Cavallo.

7. Attached hereto as **Exhibit 5** is a true and correct copy of the Declaration of Natheil Charles.

8. Attached hereto as **Exhibit 6** is a true and correct copy of the Declaration of Nayla Cruz.

9. Attached hereto as **Exhibit 7** is a true and correct copy of the Declaration of Lori Deluca.

10. Attached hereto as **Exhibit 8** is a true and correct copy of the Declaration of Jason Easter.

11. Attached hereto as **Exhibit 9** is a true and correct copy of the Declaration of Kiestrel Fermin.

12. Attached hereto as **Exhibit 10** is a true and correct copy of the Declaration of Deborah Galati.

13. Attached hereto as **Exhibit 11** is a true and correct copy of the Declaration of Christina Gonzalez.

14. Attached hereto as **Exhibit 12** is a true and correct copy of the Declaration of Ahra Han.

15. Attached hereto as **Exhibit 13** is a true and correct copy of the Declaration of Narmin Islam.

16. Attached hereto as **Exhibit 14** is a true and correct copy of the Declaration of Juliana Klampfer.

17. Attached hereto as **Exhibit 15** is a true and correct copy of the Declaration of Christina Lee.

18. Attached hereto as **Exhibit 16** is a true and correct copy of the Declaration of Franchesko Lopez.

19. Attached hereto as **Exhibit 17** is a true and correct copy of the Declaration of Kristine Mannino.

20. Attached hereto as **Exhibit 18** is a true and correct copy of the Declaration of Cristina Mazza.

21. Attached hereto as **Exhibit 19** is a true and correct copy of the Declaration of Christopher McMenamy.

22. Attached hereto as **Exhibit 20** is a true and correct copy of the Declaration of Shalice Morton.

23. Attached hereto as **Exhibit 21** is a true and correct copy of the Declaration of Jillian Nimmo.

24. Attached hereto as **Exhibit 22** is a true and correct copy of the Declaration of

Kerwin Norville.

25. Attached hereto as **Exhibit 23** is a true and correct copy of the Declaration of Yveliz Santiago.

26. Attached hereto as **Exhibit 24** is a true and correct copy of the Declaration of Donte Stephens.

27. Attached hereto as **Exhibit 25** is a true and correct copy of the Declaration of Jashim Ullah.

28. Attached hereto as **Exhibit 26** is a true and correct copy of the Declaration of Luis Vega.

29. Attached hereto as **Exhibit 27** is a true and correct copy of the Declaration of Danika White.

30. Attached hereto as **Exhibit 28** is a true and correct copy of the Declaration of Michael Wilson.

31. Attached hereto as **Exhibit 29** is a true and correct copy of the Declaration of Oscar Zelaya.

32. Attached hereto as **Exhibit 30** is a true and correct copy of the relevant excerpts of the deposition transcript of Kenny LeBron, taken on February 20, 2014.

Dated: New York, New York
March 21, 2014

Respectfully Submitted,

LITTLER MENDELSON, P.C.

By:

/s/ Craig R. Benson

Craig R. Benson

LITTLER MENDELSON, P.C.

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APPLE, LLC, BED-STUY APPLE, LLC,
BROADWAY APPLE, LLC, BTM APPLE, LLC,
CORTLANDT APPLE, LLC, CROSS COUNTY
APPLE, LLC, CROSSROADS APPLE, LLC, EB
APPLE, LLC, EXPRESSWAY APPLE, LLC,
FLATBUSH APPLE, LLC, FORDHAM APPLE,
LLC, FRESH MEADOWS APPLE, LLC, HARLEM
APPLE, LLC, HAWTHORNE APPLE, LLC,
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